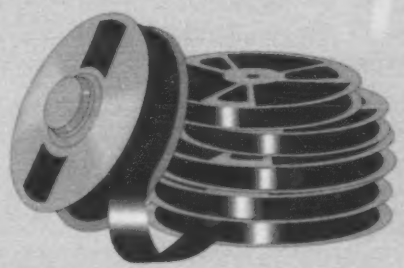
Ontario

Ontario Film Review Board

Annual Report

2012/2013



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Ontario Film Review Board

June 27, 2013

The Honourable Tracy MacCharles
Minister of Consumer Services
6th Floor, Mowat Block
900 Bay Street
Toronto. Ontario
M7A 1L2

Dear Minister MacCharles:

I am pleased to present the Annual Report of the Ontario Film Review Board for the fiscal year ending March 31, 2013.

The report outlines the duties and responsibilities of the Ontario Film Review Board under the mandate of the *Film Classification Act, 2005* and the operating results for the fiscal year.

Yours sincerely,

Janet Robinson, Chair

Ontario Film Review Board

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Report from the Chair

The OFRB receives its mandate from the Ontario government through the *Film Classification Act, 2005* (FCA) and operates as an arm's-length agency reporting to the Ministry of Consumer Services.

The mission of the Ontario Film Review Board is to classify films and thereby provide the public with sufficient information to make informed viewing choices for themselves and for their children.

In support of our mission, for the fiscal year 2012–2013, our daily activities have remained within expectations and we continue to meet our expected turn-around times.

Daily Activities

In 2012–2013, the OFRB classified 4,532 films, screening a total of 374,178 minutes of film. In addition, we classified another 1,951 films by documentation.

As of March 31, 2013, the OFRB consisted of 21 members representing a cross-section of Ontario's diverse population. A 20 member board is optimal for consistency in our classification decisions. We must continue to maintain a balance of male and female members and to ensure that our members provide representation from the entire province.

At the Chair's discretion, three-member panels for the classification of 35mm films continue. Senior members work as single-person panels for adult film approval. One and two-member panels screen mainstream DVDs and videos. There were 501 screening panels of which 293 were one-person panels. All members continue to be trained in the classification guidelines and administrative work that is required in completing summary reports.

The OFRB continued to update its formal *Member Reference Manual*, a document designed to be easily amended to reflect new

policies and procedures. Adult films volumes remain stable, with a similar number of non-approval decisions as in prior years.

Public Information Screenings continue to be very popular with the community and university film schools. We had 16 public screenings with approximately 297 participants.

We have continued the public information screening survey process to measure the effectiveness of this program. Please see page 10 for the results.

I also did several outreach programs, including two *Lunch and Learn* presentations, judged a film project at "Holy Family Catholic School" in Vaughan and did an evening session in Midland for the Huronia Museum Film Series.

We have in the past held a Student Film Competition that resulted in public service announcement films (PSA) being produced by students from Ontario film schools. These ran at digital theatres throughout Ontario. The PSA's purpose was to educate the public about the film classification system. It also showcased up-and-coming Canadian film makers and their innovative ways of explaining Ontario's film classification system. I hope to re-introduce the program in the coming year as it is a valuable tool for informing the public about choices.

ShowCanada is an annual industry show organized by the Canadian Motion Picture Distributor Association. Provincial Film Classification Boards also hold an annual meeting at ShowCanada. The boards take this opportunity to meet and discuss common concerns and initiatives. The 2012 meeting, which I attended, was held in Winnipeg.

We held a board meeting on June 22, 2012. Dr. David Wolfe PhD , RBC Chair in Children's mental health [CAMH], Professor of Psychiatry and Psycology, OISE/ University of Toronto, Editor-in-Chief Abuse and Neglect. We discussed the impact of media violence on today's youth and how violence affects the brain. Neil Hartung, counsel for the Ministry was invited to advise on the subject of "Incest" related to film classification.

Objectives of the Chair

My major objective as Chair of the OFRB is to provide information to the consumers of Ontario. It is important that we supply individuals with sufficient information to make informed entertainment choices for themselves and, more importantly, for their children.

Our website was previously expanded to provide not only film classifications and content advisories, but also all detailed elements observed by the panel during the classification process. "It's Your Choice," our brochure explaining Film and Video Games classifications, is also available on our web site.

Looking to the future, we will continue to further our excellent working relationship with the film industry and the other provincial boards, strive to improve our website, go forward with new ideas and initiatives including social media to educate and serve our clients, the residents of Ontario. I hope, as stated earlier, to re-introduce the PSA program for university students.

I am looking forward to the future with a commitment to undertake new challenges, promote education, and inspire innovation.

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The Board and its Operations

Our Mission

The mission of the Ontario Film Review Board is to classify films and thereby provide the public with sufficient information to make informed viewing choices for themselves and for their children.

The OFRB receives its mandate from the Ontario government through the *Film Classification Act, 2005 (FCA)* and operates as an arm's-length agency reporting to the Ministry of Consumer Services.

Subject to a few specific exceptions, if a film (feature/trailer), including videos and DVDs, is to be distributed or exhibited in Ontario, it must first be classified by the OFRB.

Under the authority of the *FCA*, the OFRB reviews and classifies mainstream film and reviews, approves and classifies adult sex films for public exhibition and distribution in Ontario. Ontario's film classifications, *General*, *Parental Guidance*, *14A*, *18A* and *Restricted*, are set out in Regulation 452/05 under the *FCA*.

Who We Are

The OFRB is a community board and its members represent a cross-section of the many diverse communities across Ontario. The OFRB's members vary in age, gender, vocation, race, cultural background and sexual orientation.

On the recommendation of the Minister of Consumer Services and the Provincial Cabinet, members are appointed for an initial two-year term by the Lieutenant Governor in Council through orders-in-council. Members may be re-appointed for a further three-year term followed by a five-year term for a maximum of 10 years on the board.

Members work 7.25 hours a day, usually four to five times per month, and are paid on a per diem basis.

Types of Panels

There are three types of screening panels, with a senior member providing oversight to each. Each type of panel serves a different purpose as follows:

Normal: This panel consists of one to three members. Although the members endeavour to agree on the classification, occasionally one may disagree with the classification, and that member may request a cumulative panel.

Cumulative: Two to four other board members screen the film. The results of both the Normal and Cumulative Panels are tallied, and the majority rules. Since a member initiates this process, there is no cost to the submittor. This type of panel is considered part of our in-house quality assurance program.

Appeal: This panel is requested and paid for by a submittor who is dissatisfied with the OFRB's initial decision. It consists of three to five members who have not seen the film in question. This panel's decision as to classification or approval is final subject to the right of the Director to require reconsideration.

By the time a controversial film has gone through three panels, as many as 12 different board members have viewed the film.

Reconsideration: The Director under the *Film Classification Act, 2005* may submit a film, including a video game, to the Board, or require a person who distributes, offers to distribute, exhibits or offers to exhibit a film or video game to submit it to the Board for the purpose of reconsidering the classification or approval decision, or to determine if a film is exempt. In such cases there is no additional cost to the submittor and the panel consists of a minimum of three members who have not seen the film in question. This panel's decision is final.

How We Classify

The OFRB members take into account the general character and integrity of each film in its entirety and use the *FCA* and sets of

guidelines to determine the film's classification. These guidelines, which are continually reviewed and updated, allow the board to be objective yet flexible. In this way, the board is not only able to maintain the integrity of community standards, but also to appreciate and accommodate the film's artistic merit, or social and documentary significance.

While viewing the film, each panel member makes notes on the elements that contribute to the classification. These elements include coarse language, nudity, violence, sexual activity, horror and psychological impact. Following the screening, panel members use these notes in their discussion to determine their ultimate decision as to the classification of the film.

Each element is weighed on the basis of content and treatment and the cumulative effect of those factors on the audience. Members consider style, tone, duration, frequency and the amount of visual and/or verbal detail. How the elements relate to the narrative also contributes to the panel's decision.

Besides the classification, the OFRB may choose to include content advisories, such as *Nudity*, *Coarse Language* or *Brutal Violence*. These warnings, along with the classification, must appear on all exhibition-related advertising to help the viewer make informed choices. In March 2012, the list of possible content inquiries was expanded to include *Tobacco Use*.

Why We Classify

A film classification board helps consumers make informed choices about the films they see. Throughout the developed world, movie viewers have asked for industry-independent information about age-suitability (the classification) and content (advisories such as *Coarse Language, Violence, Nudity*, etc.) of films. This information assists them in deciding whether a particular movie is appropriate for their children, or for themselves.

Most developed countries, including the United States, Great Britain, Australia, New Zealand, South Africa, France, Germany, Spain, Portugal, Greece, Norway, Denmark and Sweden have film classification boards.

The OFRB's focus is classification. The board is a valued source of information about movies and videos that help viewers make the right entertainment decisions for themselves and for their children.

Our Community

Community standards are at the forefront whenever the OFRB revises its guidelines. The board uses many avenues to gauge the needs of the community it serves.

The OFRB is structured specifically to address community standards issues. OFRB members are people from all over the province of Ontario who screen films on a part-time basis. Members represent the diverse population of Ontario - varying ages, with diverse work histories, races, cultural backgrounds and sexual orientations. We strive to have an equal male-female split.

The full board usually meets to discuss any changes in policy, procedure or guidelines. All changes are discussed, debated and voted on by the full board before any changes are made.

The board tests its perception of community standards in twice-monthly screenings where public groups view a movie with the official panel and compare their opinions about how the movie should be classified against the official panel's decision.

The board also hears directly from the media, from public interest groups and from members of the general public via letter, telephone, fax, e-mail and its website.

The board's responsibility is to understand and reflect the community standards of Ontario.

Refusal to Approve

The OFRB's authority to refuse approval of a film is limited to adult sex films (film that has as its main object the depiction of explicit sexual activity.) The OFRB's authority to refuse approval is based on the standards for obscenity under the Criminal Code of Canada. The board regularly reviews its Adult Sex Guidelines to ensure as much consistency as possible within its mandate as a provincial regulator with the rules governing the Canadian Border Services and the Criminal Code of Canada. The OFRB plays no role in determining obscenity or child pornography. This is a function of the police and is a federal responsibility.

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Financial & Operational Information 2012-2013

Financial Information - 2012/2013

Revenue:	Film and Video Classification Fees *	**$ 2,263,090**
	Total Revenue	**$ 2,263,090**
Expenditures:	Per Diems	**$ 439,697**
	Direct Operating Expenses	**$ 70,497**
	Administrative & Overhead Expenses	**$ 541,401**
	Total Expenditures **	**$ 1,051,594**

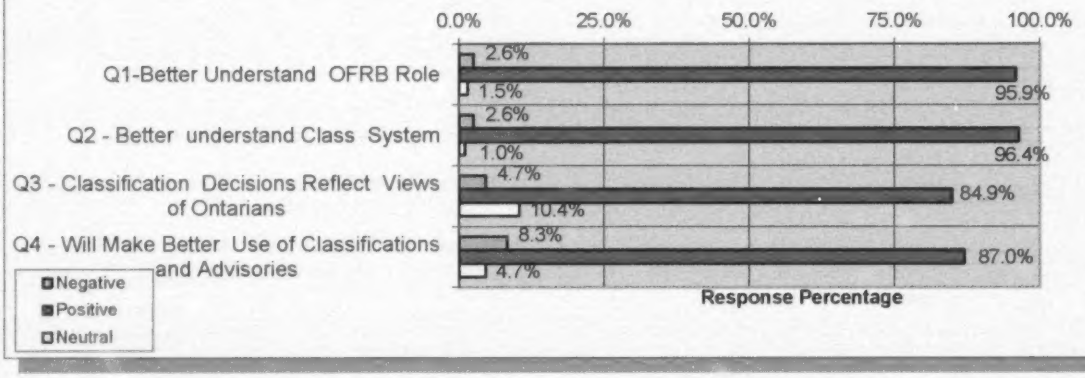
* For classification of films including videos and DVDs, distributors pay $4.20 per minute, Mainstream films in languages other than English and French pay a flat fee of $78.75 per film, and there is no fee for mainstream films wholly produced in Canada. There are also fees for classifying trailers, and for some films classified by documentation.

** Note: This excludes indirect costs related to activities such as inspection, enforcement, legal, policy, etc.

Classification Breakdown
Mainstream Films Screened (all languages)

	2012/2013	*2011/2012*	*2010/2011*	*2009/2010*	*2008/2009*
General	14%	14%	13%	14%	13%
Parental Guidance	33%	31%	32%	32%	29%
14A	42%	43%	40%	41%	40%
18A	9%	8%	11%	11%	12%
Restricted	2%	4%	4%	2%	6%

Public Information Screening - Survey Results - 2012-2013



Financial and Operational Information

	2012/2013	2011/12
Financial Information		
• Revenue*	$2,263,090	$2,724,542
• Expenditures**	$1,051,594	1,035,378
Operational Information		
Films Screened		
• Mainstream (English and French)	835	1,001
• Mainstream (other languages)	187	198
• Adult Sex Films	3,029	3,259
• Mainstream Trailers	481	501
Total Films Screened	**4,532**	**4,959**
Minutes Screened		
• Mainstream (English and French)	83,666	98,804
• Mainstream (other languages)	22,780	23,948
• Adult Sex Films	266,758	299,167
• Mainstream Trailers	974	1,041
Total Films Screened	**374,178**	**422,960**
Classified without screening		
• Mainstream Films (Classified by documentation)	1,951	1,744
Appeals/ Non-Approval/ Reconsideration Decisions		
• Appeals – decision changed	10	13
• Appeals – decision upheld	3	3
• Non-Approval decisions	32	30
• Reconsideration – decision changed	2	2
• Reconsideration – decision upheld	0	0
Screening Panels		
• Number of Panels	501	512
• Average Panel Minutes	747	826
Turnaround time		
• 35mm film (standard <=1-2 days)	1.3	1.3
• Video/ DVD (Mainstream) (standard <=10 days)	3.6	5.9
• Video/ DVD (Adult) (standard <=10 days)	4.9	7.0
Public Screenings		
• Number of screenings	16	22
• Number of participants	297	360

* For classification of films including videos and DVDs, distributors pay $4.20 per minute. Mainstream films in languages other than English and French pay a flat fee of $78.75 per film, and there is no fee for mainstream films wholly produced in Canada. There are also fees for classifying trailers, and for some films classified by documentation.

** This excludes indirect costs related to activities such as inspection, enforcement, legal, policy, etc.

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Chair

Janet Robinson

Janet Robinson is a Registered Nurse, who worked for 24 years in a demanding obstetrical/gynaecological practice. She established a consulting company that provided home visits to new parents.

Janet worked several years as a part-time contract Occupational Health Nurse with the Toronto Star, Ontario Power Generation and the Royal York Hotel.

Janet is also active in her community where she lives with her husband. They have two grown children and three grandchildren. When her schedule permits, she loves to pursue her passion for reading and golf with friends and family.

Acting Chair

Tina Bragagnolo

Tina Bragagnolo has been a stay-at-home mother for the past 14 years. She currently holds a major in sociology and minor in French from Western and York Universities. Ms. Bragagnolo's community involvement includes her service with the Brownies in the Ajax-Pickering Area as well as her service in a seniors' group home assisting with daily chores.

Members of the Ontario Film Review Board

Member	Municipality	First Appointed (current position)	Current Term Expires/Expired
Poonamdeep Bhinder	Brampton	July 15, 2009	July 14, 2014
Joe Bognar	Thunder Bay	November 29, 2010	November 28,2014
Susan Kaminesky Blair	Toronto	August 21, 2008	Resigned September 13, 2012
Tina Bragagnolo	Toronto	May 28, 2003	May 27, 2013

Member	Municipality	First Appointed (current position)	Current Term Expires/Expired
Pat Brown	Brantford	July 15, 2005	July 14, 2013
David Dossett	Kingston	January 9, 2013	January 8, 2014
Donald Duprey	Toronto	November 14, 2006	November 13, 2016
Lorraine Dupuis	Sudbury	April 11, 2006	April 10, 2014
Cathy Ferlisi	Concord	October 25, 2006	October 24, 2016
Joanne Jackson	Ajax	Aug 21, 2008	August 20, 2013
Adam Garnet Jones	Toronto	October 22, 2009	October 21, 2014
Fred Kushnir	Windsor	November 29, 2010	November 28, 2014
Kristina Laukkanen	Toronto	October 25, 2006	October 24, 2016
Lindsay Lesse	Toronto	November 29, 2010	November 28, 2014
John Mastroianni	Welland	July 15 , 2009	July 14, 2014
Walter (Bud) Polhill	London	May 4, 2011	May 3, 2013
Sue Rainville	Toronto	June 1, 2006	May 31, 2013
Janet Robinson	Toronto	October 15, 2004	July 14, 2013
Peter Smith	Pickering	January 9, 2013	January 8, 2014
Andrew Stewart	Toronto	January 9, 2013	January 8, 2014
Trudie Villeneuve	Toronto	January 5, 2006	January 4, 2014
Peter Watts	Burlington	August 21, 2008	August 20, 2013